HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.1667 of 1991
Date of decision : 21.03.2007

State of Punjab **.....Petitioner**

versus

Dr.Pritam Pal Singh **.....Respondent**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sushant Maini, DAG, Punjab for the petitioner.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Executing Court dated 14.2.1990, whereby the learned Court ordered that the decree holder is entitled to the benefits of the war service for the period of 7 years 22 days in accordance with the circular dated 20.10.1948.

The plaintiff-respondent was granted a decree for declaration on 7.1.1977 that the plaintiff is entitled to seniority of the war service under circular dated 20.10.1948 and that the plaintiff is entitled to the Leave Preparatory to Retirement. The first appeal against the said judgment and decree was dismissed by the learned First Appellate Court on 19.11.1979 and the second appeal was dismissed on 20.5.1980. The Special Leave Petition filed by the petitioner was dismissed on 24.10.1980.

The learned Executing Court has found that the decree holder remained in military service during the war from 1.11.1941 to 20.11.1946.

A perusal of the circular would show that for the purpose of determination of seniority, the year in which such man would have been appointed, had he entered service in a civil post on attaining the minimum age of entry in the post plus one year or on the on which he entered war service, which ever is latter, is to be counted. Thus, the decree holder has been found entitled to benefit of military service for 7 years 22 days in view of the aforesaid circular. The determination of period of 7 years 22 days for the purpose of seniority could not be pointed out against the circular issued by the State Government.

Consequently, I do not find any illegality or irregularity in the order passed by the learned Executing Court which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 21, 2007
**mohinder*